

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

SOUTHERN OPERATORS HEALTH FUND,                     )  
   )  
                  Plaintiff,   )  
   )  
v.   )  
   )  
RAY ANTHONY INTERNATIONAL, LLC,                     )  
RAY ANTHONY, and ERIC ANTHONY,                     )  
   )  
                  Defendants.   )

Civil Action No. \_\_\_\_\_

**COMPLAINT**

Southern Operators Health Fund (Plaintiff) files this complaint to obtain equitable and other relief requiring Ray Anthony International, LLC (the Company), Ray Anthony, the Company's President, and Eric Anthony, the Company's Chief Financial Officer (collectively, Defendants) to comply with 29 U.S.C. § 1145 of the Employee Retirement Income Security Act (ERISA) and a prior order of the Court.

1. By Order entered March 9, 2010 in Civil Action No. 3:10-0100 (Docket Entry No. 10), copy attached as **Exhibit A** and incorporated by reference under Fed. R. Civ. P. 10(c), this Court entered a permanent injunction requiring the Company to make timely payment of contributions as well as submit payroll reports pursuant to 29 U.S.C. §1145.

2. Subsequent to the Court entering the permanent injunction, the Defendants have repeatedly failed to timely submit monthly reports and contributions, and at the time of the filing of this Complaint, Defendants are delinquent in filing reports and making the contributions due Plaintiff.

3. As required by the Court's Order entered March 9, 2010, a 10-day notice was sent to the Company c/o David Fuchs by e-mail on April 29, 2010 and prior to filing this complaint to enforce the injunction. A copy of the correspondence to Mr. Fuchs with e-mail confirmation is attached as **Exhibit B**.

4. Due to the failure of Defendants to submit prospective payroll reports, Plaintiff is unable to protect its interests through filing workmen's liens.

5. Defendants owe liquidated damages to Plaintiff, and have caused Plaintiff to incur attorneys' fees and other costs.

6. Copies of this complaint will be served upon the Secretary of Labor and the Secretary of the Treasury by certified mail in accordance with 29 U.S.C. § 1132(h).

WHEREFORE, Plaintiff prays that the Court enter an order and grant appropriate equitable relief requiring Defendants to comply with 29 U.S.C. § 1145 and for a judgment against Defendant under 29 U.S.C. § 1132(g)(2).

Respectfully submitted,

s/R. Jan Jennings  
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